

Remarks

Applicant has reviewed the Office Action dated as mailed January 8, 2009 and the documents cited therewith and the present amendment has been prepared in response thereto. Independent claims 8, 12 and 18 have been amended to more clearly define applicants' invention and to more clearly define the arrangement of the recess and orientation of the cushion pad.

Claim 8 was rejected as being unpatentable over Delouvre in view of Willat. It was the Examiner's position that Delouvre discloses the invention except for the handle grip being formed of a material that is softer than the primary material of the basket. The Examiner cited Willat for the teaching of "a handle grip being formed from a material that is softer than the primary material of the basket (figs 1-67) in the same field of endeavor for the purpose of having a comfortable ergonomic grip."

Contrary to the Examiner's statement, while Willat discloses a wide variety of applications for the disclosed pad, none of these applications are in the same field of endeavor as the claimed invention. The claimed invention is directed to a laundry basket where the basket is often supported on a person's hip during actual use of the basket. Willat does not disclose a laundry basket. Moreover, Willat does not disclose the use of a cushion pad disposed on an article such that it is located to cushion a user's body when the user is carrying the article.

Delouvre does not show a pad positioned to cushion a user's body. The hand grips referred to by the Examiner are not positioned to cushion a user's body. Referring to Fig. 1 of Delouvre, the hand grip on the indented wall is positioned such that it is spaced from the user's body. Thus, the portion of Delouvre that the Examiner points to as corresponding to the cushion pad actually teaches away from the claimed invention.

It is submitted that a combination of Delouvre and Willat would, at most, suggest to one of ordinary skill in the art to replace the hand grip of Delouvre with a hand grip as shown in Willat. The references, either alone or in combination, do not suggest arranging a cushion pad on a hamper such that when the hamper is carried by the user, the cushion pad may be located

against the user's body to cushion the user's body. It is submitted that independent claim 8 defines over the art of record and is allowable.

Independent claims 12 and 18 were rejected as being unpatentable over Craft in view of Willat. Craft, like Delouvre, discloses a laundry basket where the recessed portion does not include any pad. The concave wall of the Craft basket is made of the same material as the rest of the basket and does not even include a handle. As explained above, Willat does not disclose a laundry basket. Moreover, Willat does not disclose the use of a cushion pad disposed on an article such that it is located to cushion a user's body when the user is carrying the article. Further, claims 12 and 18 set forth that the pad is formed of a friction enhancing material. The Examiner states that Willat teaches a grip material for "the purpose of adding friction". The Willat reference has been carefully reviewed and the applicant has found no disclosure that the grip in Willat enhances the friction compared to the remainder of the article.

Craft and Willat, either alone or in combination, do not suggest arranging a cushion pad on a hamper such that when the hamper is carried by the user, the cushion pad is located against the user's body to cushion the user's body. The references also do not disclose the use of a cushion pad that enhances friction. It is submitted that independent claims 12 and 18 define over the art of record and are allowable.

All of the remaining claims depend from one of the independent claims discussed above and are allowable for at least the same reasons.

It is submitted that the present amendment should be entered and that upon entry of the amendment the claims define over the prior art of record and are allowable. If the Examiner has any questions about the present amendment a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

Brandi Loucks

(Applicant)

Date: MARCH 6, 2009

By: 

Dennis J. Williamson
Registration No. 32,338
Attorney for Applicant
Moore & Van Allen, PLLC
P.O. Box 13706
Research Triangle Park, N.C. 27709
Phone: 919-286-8000
Facsimile: 919-286-8199